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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/160,728	09/25/1998	JERZY LEWAK	NISUS-002-PAP	6662

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EXAMINER

SEALEY, LANCE W

ART UNIT PAPER NUMBER

2671

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/160,728

Applicant(s)

LEWAK, JERZY

Examiner

Lance W. Sealey

Art Unit

2671

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 63-80.

Claim(s) objected to: _____.

Claim(s) rejected: 61 and 62.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
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Continuation of 5. does NOT place the application in condition for allowance because: Claim 61's 102(b) rejection is as follows: Gasper, in disclosing speech synchronized automation, also discloses, with respect to claim 61, a method of presenting, on a computer controlled display device (Abstract, fourth and fifth sentences), transformation rules (see col.14, ll.27-67 and col.18, l.62-col.19, l.32--rules are "presented" is col.19, ll.8-10, "The rules 901 are kept in character strings in a form easy for programmers to READ") of abstract representations of graphical abstract symbols (two examples: the tiles of letters in the Abstract, fourth sentence, and the dot and underline associated with KNIGHT AX in 912, FIG.9) using animations (two examples: the movement of tiles by the user on the screen as disclosed in the fourth through sixth sentences of the Abstract; and the movement of the dot and underline as the letter or combination of letters being pronounced changes; see col.19, ll.1-5) to simulate continuous transformations (the continuous formation of tiles to produce letter sounds and, subsequently, word sounds; Abstract, sixth through eighth sentences).

Given this rejection, the examiner will now address the applicant's latest arguments:

The claim phrases are so broad that they do not distinguish over elements as taught by Gasper. For example, the applicant first contends that the claim 61 requires that "animations of graphical abstract symbols" be used for "presenting...transformation rules of abstract representations." It is true that Gaspar discloses animation of a talking head, but for the purpose of this claim, the objects being animated are the dot and underline associated with "KNIGHT AX" in FIG.9. The purpose of the dot and the underline is to teach and illustrate pronunciation of words or other combinations of letters--see col.19, ll.1-5. Also, the examiner disagrees with the applicant's assertion that the talking head is not a graphical abstract symbol; the talking head is an "graphical abstract representation" precisely because it does not look like a real head. The talking head is an abstract representation of a real head.

Moving to the next applicant assertion, animation of the dot and underline constitute "animation for presenting transformation rules" and "animation to simulate continuous transformations" because they move as syllables are sounded out, presenting the rule for sounding out syllables as they are continuously transformed into words; see col.19, ll.1-5.

Since the elements being animated for the purpose of claim 61 can be either the dot and underline, the talking head, or the letters, claims 61 and 62 still stand rejected.

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